

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANNE MASON and THOMAS MASON,

Plaintiffs,

v.

UNITED STATES OF AMERICA,<sup>1</sup>

Defendant.

05cv10811 NG

CIVIL ACTION

NO.

RECEIPT # \_\_\_\_\_  
AMOUNT \$ N/A  
SUMMONS ISSUED N/A  
LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
MCF ISSUED \_\_\_\_\_  
BY DPTY. CLK. MT  
DATE 4/22/05

**NOTICE OF REMOVAL**

MAGISTRATE JUDGE ILA

The Defendant, United States of America on behalf of its agency, Federal Emergency Management Agency ("FEMA"), by and through his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby gives notice pursuant to 28 U.S.C. § 1446(a) of its removal of this lawsuit to the United States District Court for the District of Massachusetts.

Removal of this action is proper pursuant to 28 U.S.C. § 1441(a)<sup>2</sup> and 42 U.S.C. § 4072.

<sup>1</sup> Plaintiff improperly named the National Con-Serv., Inc. a national flood insurance servicing agent for the Federal Emergency Agency.

<sup>2</sup> Section 1441(a) states (in relevant part): "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant."

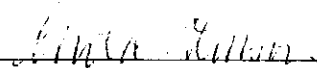
The defendant has attached copies of all state court pleadings received to date to this Notice. The defendant is not aware of any other Notice of Removal of this action.

WHEREFORE, the defendant requests that this action be entered upon the docket of this Court and, upon filing a copy of this Notice with the Clerk of the Plymouth County, Small Claims Court, Wareham District, that the Small Claims Court shall proceed no further.

Respectfully submitted,

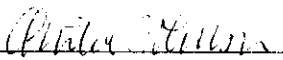
MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Anita Johnson  
Assistant U.S. Attorney  
U. S. Attorney's Office  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3282

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I gave notice of the filing of the foregoing by mailing a copy of same, postage prepaid, first-class mail to the plaintiffs (*pro se*), Anne Mason and Thomas Mason, Box 1136, 368 Bedford Street, Lakeville, MA 02347.

  
Anita Johnson

Dated: April 22, 2005

**OF SMALL CLAIM**  
**NOTICE OF TRIAL**  
**BOSTON MUNICIPAL**  
**COURT**

Court  
Only

DOCKET NO. 0460 SC 1880

☐ DISTRICT COURT  
WAREHAM

Division

**Trial Court of Massachusetts**  
**Small Claims Session**

☐ HOUSING COURT

Division

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

PLAINTIFF'S ATTORNEY (if any)

Name:

Address:

PHONE NO:

BBO NO:

ADDITIONAL DEFENDANT (if any)

Name:

Address:

PHONE NO:

**PLAINTIFF'S CLAIM.** The defendant owes \$ 661.05 plus \$ 40.- court costs for the following reasons:  
Give the date of the event that is the basis of your claim.

Plaintiffs purchased <sup>Flood</sup> insurance from ~~the~~ the defendant, National Cow-Serv. The plaintiffs prepaid his/her yearly premium, but, before the year expired, cancelled the policy, which is his/her Right. Employees for the defendant have agreed to refund the amount owed; but for more than a year, refused to abide by its promise.

SIGNATURE OF PLAINTIFF X

DATE

**MEDIATION:** Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.

☒ The plaintiff is willing to attempt to settle this claim through court mediation.

**MILITARY AFFIDAVIT:** The plaintiff states under the pains and penalties of perjury that the:

☒ above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address.

☐ above defendant(s) is (are) serving in the military

SIGNATURE OF PLAINTIFF

DATE

NAME AND ADDRESS OF COURT

**WAREHAM DISTRICT COURT**  
**2200 CRANBERRY HIGHWAY**  
**W. WAREHAM, MA 02576**

DATE AND TIME OF TRIAL

BOTH THE  
PLAINTIFF  
AND THE  
DEFENDANT  
MUST  
APPEAR AT  
THIS COURT  
ON THE  
DATE AND  
TIME

COURT USE ONLY

3/3/05

1:00 P.M.

NOTICE OF TRIAL

DR. ROBERT D. ATTORNEY

COURT RECORDS

COURT RECORDS

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ANNE MASON and THOMAS MASON,

**DEFENDANTS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Plymouth  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed: \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney'S (Firm Name, Address, and Telephone Number)  
Pro se - pro se plaintiffs, Anne Mason and Thomas Mason  
Box 1136, 368 Bedford Street  
Lakeville, MA 02347  
(508) 923-0256

Attorneys (If Known)

Anita Johnson, AUSA  
U.S. Attorney's Office  
1 Courthouse Way - Suite 9200  
Boston, MA 02210

(617) 748-3282

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- DEF** **DEF**
- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Claim under Nat'l Flood Ins. Act, 42 USC 4001, et seq.; a lawsuit can only be filed in the Fed. Dist. Ct after disallowance of a claim - 42 USC 4072

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 701.05

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

04-22-2005

SIGNATURE OF ATTORNEY OF RECORD

*Anita Johnson AUSA*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Mason, et al. v. United States of America
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

     I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

     II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.

\*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

     IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

     V. 150, 152, 153.

**05 CV 10811 NG**

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Anita Johnson, Assistant U.S. Attorney

ADDRESS U.S. Attorney's Office, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210

TELEPHONE NO. (617) 748-3282